

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE MATTER OF:

Chapter 7

Sylwia K. Kluever and
Marek Kluever,

Case No. 09-39819

Debtor(s).

Honorable Bruce W. Black

NOTICE OF MOTION

TO: See attached Service List

On November 6, 2009 at 9:15 a.m., I shall appear before Bankruptcy Judge Bruce W. Black, Will County Court Annex Building, 57 North Ottawa Street, Room 201, Joliet, Illinois 60432, or in his absence, before such other Bankruptcy Judge as may be presiding in his place and stead, and shall then and there present the attached Motion for Relief from Automatic Stay filed by JP Morgan Chase Bank, National Association, at which time and place you may appear if you so see fit.

HEAVNER, SCOTT, BEYERS & MIHLAR, LLC
Attorneys at Law
Faiq Mihlar (ARDC #06274089)
111 East Main Street, Suite #200
Post Office Box 740
Decatur, Illinois 62525-0740
(217) 422-1719

STATE OF ILLINOIS
COUNTY OF MACON

I, Faiq Mihlar, an attorney, being first duly sworn upon oath, depose and state that I have served the above and foregoing Notice, together with all required papers, upon the above-named parties, by placing same in an envelope addressed as shown above, and depositing same First Class Mail, postage prepaid in the United States mailbox at Decatur, Illinois 62523 this 28th day of October, 2009.



Faiq Mihlar

SERVICE LIST

Sylwia K. Kluever
256 Colony Lane
New Lenox, IL 60451

Marek Kluever
256 Colony Lane
New Lenox, IL 60451

Julita Kocinwski
Kocinski Law Offices, LLC
401 E. North Ave., Suite 1
Villa Park, IL 60181

Bradley J. Waller
Klein, Stoddard, Buck, Waller & Lewis, LLC
2045 Aberdeen Court
Sycamore, IL 60178

William T. Neary
Office of the U.S. Trustee, Region 11
219 South Dearborn St., Room 873
Chicago, Illinois 60604

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MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES JP Morgan Chase Bank, National Association, (hereinafter "JP Morgan") by its attorneys, Heavner, Scott, Beyers & Mihlar, LLC and moves for the entry of an Order granting relief from the Automatic Stay pursuant to the United States Bankruptcy Code. In support of its Motion, JP Morgan Chase Bank, National Association, states as follows.

1. At all relevant times, JP Morgan was or is the owner of a Note in the original principal amount of \$263,000.00, secured by a mortgage against the real estate in Will County, Illinois, located at 256 Colony Ln., New Lenox, Illinois 60451 (Real Estate).

2. The Note and Mortgage, hereinafter referred to as the subject loan documents, are dated June 5, 2007 and the Mortgage was duly recorded in the Office of the Recorder of Will County, Illinois, on July 11, 2007 and assigned the Document Number R 2007104875.

3. With respect to the subject loan documents, there is due and owing JP Morgan the payoff amount of \$269,460.83, plus interest, attorneys' fees, costs and advances.

4. On October 23, 2009, the Debtor(s) filed a Petition for Relief pursuant to Chapter 7 of the United States Bankruptcy Code and Bradley J. Waller, was appointed Standing Trustee of the Debtors' estate.

5. The Debtors are in default in the performance of the terms and conditions of said Note and Mortgage and are contractually due for the August 1, 2009 mortgage payment with a total default, as of October 28, 2009, in excess of \$6,844.58, plus late charges, attorneys' fees of \$550.00 and costs of \$150.00.

6. The automatic stay against JP Morgan should be terminated, annulled or modified pursuant to 11 U.S.C. 362(d), for the following reasons:

A. The Debtors have failed to provide adequate protection to JP Morgan and have made a material default with respect to the payments due JP Morgan.

B. To the best of creditor's knowledge, no non-exempt equity exists in the subject property. The payoff amount of a second lien on said real estate is estimated to \$47,165.00.

7. JP Morgan further requests waiver of the 10-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, JP Morgan Chase Bank, National Association, prays that an Order be entered in this cause terminating, annulling or modifying the Automatic Stay as provided pursuant to the United States Bankruptcy Code, Section 362, or dismissal of this cause, so that JP Morgan Chase Bank, National Association, be permitted to initiate or proceed with any and all proceedings, and for such further relief as may be appropriate.

JP MORGAN CHASE BANK, National
Association,

By: _____

One of its attorneys

HEAVNER, SCOTT, BEYERS & MIHLAR, LLC
Attorneys at Law
Faiq Mihlar (ARDC #06274089)
111 East Main Street, Suite #200
Post Office Box 740
Decatur, Illinois 62525-0740
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This advice pertains to your dealings with our firm as a debt collector. It does not affect your dealings with the court, and in particular it does not change the time at which you must answer the motion. The advice in this notice also does affect our relations with the court. As attorneys, we may file papers in the suit according to the court's rules and the judge's instructions.

**NOTICE PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT
15 U.S.C. Section 1601 as Amended**

1. The amount of the debt is stated in the motion attached hereto.
2. The movant named in the attached motion is the creditor to whom the debt is owed or is the servicing agent for the creditor whom the debt is owed.
3. Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume the debt is valid.
4. If you notify this office in writing within 30 days after receiving this notice, this office will obtain verification of the debt and mail you a copy of such verification.
5. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.
6. Nothing in this notice should be construed as an agreement by the movant to extend or stay any time periods established by law with respect to the litigation, which is the subject of the attached motion.
7. Written requests should be addressed to Heavner, Scott, Beyers & Mihlar, LLC, 111 East Main Street, Suite 200, Decatur, Illinois 62523.
8. Please be advised that this is an attempt to collect a debt. Any information obtained will be used for that purpose.